

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH CAPOGRECO, et al.,

Plaintiffs,

No. CIV S-00-1951 LKK GGH P

vs.

R. SANDHAM, et al.,

Defendants.

ORDER

On September 8, 2005, defendants filed a request for reconsideration of the magistrate judge's order, filed September 2, 2005, vacating defendants' motions for partial summary judgment as to plaintiff Johnson, renoted on October 13, 2004 and October 21, 2004, and ordering that an evidentiary hearing be set to determine whether plaintiff is being deprived of access to legal materials relevant to this case. Pursuant to E.D. Local Rule 72-303(f), a magistrate judge's orders shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the court finds that it does not appear that the magistrate judge's ruling was clearly erroneous or contrary to law.

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Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the magistrate judge filed September 2, 2005, is affirmed.

DATED: September 16, 2005.

/s/Lawrence K. Karlton
UNITED STATES DISTRICT JUDGE

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